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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,996	01/15/2002	Robert A. Baker	115716-00116	1875

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EXAMINER

ENGLISH, PETER C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,996

Applicant(s)


BAKER ET AL.

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 September 2004 has been entered.

The copies of the original application papers filed on 12 October 2004 have not been entered. Applicant should not file such copies when filing future requests for continued examination.

Informal Amendment

2. In the amendment filed on 10 September 2004, the amendments to claims 1 and 3 are informal because text added to these claims has not been underlined. All future amendments should be submitted in proper form.

Drawings

3. The proposed drawing corrections filed on 24 February 2004 have been approved. However, the corrected sheets are not acceptable for use as formal drawings since they are a facsimile copy. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Applicant is advised that should claim 2 be found allowable, claim 3 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 13, and in claim 3, at lines 16-17, "said roll-over airbag is adapted for self-inflating..." is indefinite because it inaccurately suggests that the bag inflates itself. As stated in the preamble of these claims, the restraint system is "self-inflating", not the bag itself (i.e., the bag requires an inflation fluid source to inflate it).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toru (JP 05016751) in view of Kokaguchi et al. (EP 0485599). Toru discloses an airbag 11 comprising first and second fabric panels 13, 14. An inflator port 35 is formed in the panel 13. The airbag 11 includes first and second tether panel members 15a, 15b secured by an elongated region of stitching 14 (see Fig. 4). The airbag 11 is inflated between an occupant and the side of a vehicle

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(see the abstract). Toru lacks panels that are bonded together and reinforced by a securement member, and panels including impermeable material.

Kokaguchi et al. teaches an airbag 1 comprising first and second fabric panels 2, 3. The outer peripheral edges of the panels 2, 3 are bonded together by thermal welding (see page 3, line 43). A reinforcing securement member 9 has upper and lower portions (see Fig. 2) bonded to the panels 2, 3 by thermal welding (see page 3, lines 43-45). The panels 2, 3 are coated with rubber or thermoplastic material, i.e., an impermeable material (see page 3, lines 25-27). From this teaching of Kokaguchi et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Toru by providing panels that are bonded together and reinforced by a securement member because this results in a lightweight and compact airbag having sufficient joint strength (see the abstract of Kokaguchi et al.). Further, it would have been obvious to modify Toru by coating the panels with impermeable material, as taught by Kokaguchi et al., in order to maintain the airbag in its inflated state for a longer period of time and in order to prevent hot inflation gases from contacting an occupant.

9. Claims 2, 3, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toru (JP 05016751) in view of Kokaguchi et al. (EP 0485599), as applied to claim 1 above, and further in view of Ronn et al. (DE 2552815) and Takahashi et al. (JP 06016099). The Toru and Kokaguchi et al. combination lacks a tether bonded to the first and second panels. Ronn et al. teaches a tether 2 bonded to first and second panels 4, 5. As shown in Fig. 3, the tether includes first and second panel members 10, 12 bonded to each other and to the airbag panel 9 by a bonding agent 11, 14, 15. Takahashi et al. also teaches a two-piece tether 7, 8 bonded to first and second panels 3, 4 by a bonding agent (see the abstract). From this teaching of Ronn et al. and Takahashi et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Toru by bonding the tethers to the panels in order to further reduce the size and weight of the airbag while providing sufficient joint strength.

Allowable Subject Matter

10. Claims 4 and 5 are allowed.

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11. Claims 8 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English 11/29/04
Primary Examiner
Art Unit 3616

pe
29 November 2004